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VIA ELECTRONIC MAIL

December 10, 2013

The Honorable Denise L. Cote
U.S. District Judge
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street, Room 1610
New York, NY 10007

Re: FHFA Actions

Dear Judge Cote:

FHFA's *sua sponte* sur-reply of this afternoon accurately quotes the paragraph of Va. Sup. Ct. R. 5:40 specifying the contents of a certification order. But the heart of the rule, the paragraph defining the Virginia Supreme Court's power to answer certified questions, uses the phrase "determinative in any proceeding." Va. Sup. Ct. R. 5:40(a). In any event, the Virginia Supreme Court's decisions cited in our brief establish that the answer to a certified question need not resolve an entire case or claim. *See Wyatt v. McDermott*, 725 S.E.2d 555 (Va. 2012); *Shaw v. Titan Corp.*, 498 S.E.2d 696 (Va. 1998); *Bulala v. Boyd*, 389 S.E.2d 670 (Va. 1990).

Respectfully submitted,



Edward J. Bennett

cc: Counsel of Record-